

MEMORANDUM

TO: Council, AP, and SSC
FROM: Chris Oliver *DO for*
Executive Director
DATE: March 26, 2013
SUBJECT: Establishing Transit Corridors through Walrus Protection Areas

ESTIMATED TIME
6 HOURS
All D-1 (a, b, c, d, e)

ACTION REQUIRED

Review preliminary review draft of paper and provide direction regarding alternatives for analysis.

BACKGROUND

In June 2012, NOAA Enforcement, through the Council's Enforcement Committee, brought forward an unintended consequence of a recent Council action that affects the ability of vessels with FFPs to tender for the Togiak area herring fishery. Until recently, vessels with FFPs were permitted to "surrender" their FFP which allowed them to transit the Walrus Protection Area around Round Island during tendering, with the expectation that they could reapply for their FFP when they completed tendering. However, recent regulations prevent those vessels from being issued an FFP more than once in any three year period. As a result, those vessels tendering the Togiak area herring fishery risk being out of compliance with federal regulations if they transit the Walrus Protection Zone during tendering, or must surrender their FFPs for an extended period. This also creates a difficult situation for NOAA Enforcement of either not enforcing an existing federal regulation or citing vessels for an unintended consequence of an existing regulation.

At the June 2012 meeting, the Council directed staff to analyze options for remedying this problem and extended the scope of the issue to include the Walrus Protection Area at Cape Newenham, salmon tenders, and Amendment 80 vessels delivering yellowfin sole to processors in Togiak Bay.

At this meeting, the Council will review the preliminary draft of the Environmental Assessment, for that action, and may provide additional direction to providing opportunities for those vessels to transit the walrus protection areas.

The Environmental Assessment evaluates the potential environmental impacts to three alternatives to allow passage for some vessels through the Walrus Protection Area:

1. No Action – No transit options are considered
2. Transit Corridor in the EEZ open from April 1 – August 15, north of Round Island
3. Transit corridor in the EEZ open from April 1 – August 15, south of Cape Newenham and Cape Peirce.

The Council will need to decide on a number of specific issues for Alternatives 2 and 3, including U.S. Coast Guard recommendations, charting considerations, enforcement options, and spatial extent of any potential transit areas. Until those issues are decided, a full analysis of the environmental or economic consequences of an action is not possible.

Recommendations from the U.S. Coast Guard include a 1 nm distance between northbound and southbound vessels for safe passage. A corridor of 1.5 nm width would allow that safe passage, and could fit within the 3-12 nm Walrus Protection Area north of Round Island. However, a shortcoming of a corridor of defined width is that vessels would be required to pass from point to point through the Walrus Protection Area, without opportunity to transit to other points. A large portion of the herring fishery occurs in Kulukak Bay (T. Sands, ADFG, Pers. Comm.), and tenders would not be able to access these waters through a defined-width corridor. An alternative is to designate a line across some portion of the Walrus Protection Area and open waters north of that line to transit by a defined set of vessels, including tenders and vessels delivering yellowfin sole. This would allow vessels to access other areas, like Kulukak Bay, and would provide the recommended 1 nm distance between transiting vessels. However, this may increase the likelihood of disturbance of walrus and other marine mammals hauled out along the mainland shore. The Council will need to decide whether to analyze corridors of defined width, a passage zone, or both. In either case, the line around which a corridor is developed, or north of which transit is allowed, must be defined. The Council could choose points for that line or task staff to develop a working group of stakeholders (State of Alaska, USFWS, Qayassik Walrus Commission, herring and salmon fishers and processors, Amendment 80, etc.) to identify an appropriate line.

If a transit area or corridor were developed and included on NOAA charts for Bristol Bay, a number of potential impacts occur. Placing a transit area or corridor on the chart creates automatic right-of-way for vessels in the area using it to transit the Walrus Protection Area, with potential impacts for fishing vessels or tenders. The salmon and herring fishing grounds near Togiak are not within the Walrus Protection Area (T. Sands, ADFG, Pers. Comm), so those fisheries may not be directly affected by right of way considerations.